

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR NO. 14-00799 KBM

GABRIEL ARMAS,

Defendant,

**UNOPPOSED MOTION TO MODIFY PRE-SENTENCING CONDITIONS**

COMES NOW the Defendant, Gabe Armas, by his court-appointed attorney, John F. Moon Samore, Esq., pursuant to the Rules, for his Unopposed Motion to Modify Pre-Sentencing Conditions, to STATE:

1. Pursuant to a guilty plea to a misdemeanor, Mr. Armas has been on pre-sentencing release, has never served a day in custody, and is obeying all conditions of his release.
2. Mr. Armas' pre-sentence interview has been conducted but not completed.
3. Mr. Armas' sentencing date has not been set, but the parties do not anticipate he will be accorded any prison time for this misdemeanor plea.
4. One of the conditions of pre-sentencing release was that Mr. Armas not consume alcohol, the consumption of which had no role whatsoever in the incident from which the charges arose.
5. While Mr. Armas drinks only in moderation, he would like this condition modified to permit him an occasional, social alcoholic drink.

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6. Mr. Armas' pre-trial release officer, John Lovato, has no objection to this modification.

7. All other conditions would remain in effect during the pendency of this matter.

8. The Government concurs with the recommendation made by pre-trial services in regards to whether or not Mr. Armas may consume alcoholic beverages.

WHEREFORE, Defense prays for Order of Court to modify his conditions of pre-trial release as above requested, by deleting the condition requiring that he not consume alcohol.

Respectfully submitted,  
/s/ John F. Moon Samore, Esq.  
Attorney for Defendant  
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I hereby certify that a true and correct copy of the foregoing was sent by facsimile transcription or hand-delivered to the in-box of the U.S. Attorney's office this 30<sup>th</sup> day of April 2014.  
/s/ John F. Moon Samore, Esq.